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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW
(Legislative Department)

New Delhi, the 28th December, 1968/*Pausa* 7, 1890 (*Saka*)

The following President's Act is published for general information:—

THE UTTAR PRADESH PANCHAYAT RAJ (AMENDMENT) ACT, 1968

No. 38 OF 1968

Enacted by the President in the Nineteenth Year of the Republic of India.

An Act further to amend the U.P. Panchayat Raj Act, 1947.

In exercise of the powers conferred by section 3 of the Uttar Pradesh State Legislature (Delegation of Powers) Act, 1968, the President is pleased to enact as follows:—

7 of 1968.

1. This Act may be called the Uttar Pradesh Panchayat Raj (Amendment) Act, 1968. Short title.

U. P. Act XXVI of 1947.

2. For section 5 of the U.P. Panchayat Raj Act, 1947 (hereinafter referred to as the principal Act), the following section shall be Substitution of new section for section 5.

substituted, namely:—

Membership of Gaon Sabha.

"5. Every person whose name is for the time being included in the electoral roll for a Gaon Sabha shall be a member of that Gaon Sabha.".

Amendment of section 6.

3. In section 6 of the principal Act, for sub-section (*1*), the following sub-section shall be substituted, namely:—

"(*1*) A member of a Gaon Sabha shall cease to be such member if the entry relating to that member is deleted from the electoral roll for the Gaon Sabha.".

Amendment of section 6A.

4. In section 6A of the principal Act, for the words, figures and letters "section 5, 5A or 5B", the word, figure and letter "section 5A" shall be substituted, and the words "and the name of the person shall, if necessary, be struck off from the register of members" shall be omitted.

Substitution of new sections for section 9.

5. For section 9 of the principal Act, the following sections shall be substituted, namely:—

Electoral roll of Gaon Sabha.

'9. So much of the electoral roll for any assembly constituency, for the time being in force, as relates to the area comprised in the jurisdiction of the Gaon Sabha shall be deemed to be the electoral roll for that Gaon Sabha for the purposes of this Act.

Explanation.—In this section, the expression "assembly constituency" has the meaning assigned to it under the Representation of the People Act, 1950. 43

Right of members of Gaon Sabhas to vote or hold office.

'9A. Except as otherwise provided by or under this Act, every person whose name is for the time being included in the electoral roll for a Gaon Sabha shall be entitled to vote at any election, and be eligible for election, nomination or appointment to any office in the Gaon Sabha, Gaon Panchayat or Nyaya Panchayat.'.

Substitution of new section for section 12A.

6. For section 12A of the principal Act, the following section shall be substituted, namely:—

Manner of election.

"12A. The election to the office of a Pradhan or Up-Pradhan of a Gaon Sabha or a member of a Gaon Panchayat shall be held by secret ballot in the manner prescribed.".

Substitution of new section for section 12BB.

7. For section 12BB of the principal Act, the following section shall be substituted, namely:—

Superintendence of elections.

"12BB. Subject to the provisions of this Act and the rules made thereunder, the superintendence, direction and control of

the preparation of the electoral rolls for Gaon Sabhas and the conduct of all elections of members of Gaon Panchayats and Pradhans of Gaon Sabhas shall be vested in the Nirvachan Nideshak (Panchayat).".

Transitory provisions

8. Until a Gaon Panchayat has been duly constituted, or a Pradhan or Up-Pradhan of a Gaon Sabha has been duly elected, under the provisions of the principal Act as amended by this Act (hereinafter referred to as the amended Act), the members of the Gaon Panchayat and the Pradhan or Up-Pradhan of the Gaon Sabha, as the case may be, holding office immediately before the commencement of this Act shall, except as otherwise provided in the amended Act, continue to hold office and to function as such:

Provided that any casual vacancy existing immediately before the commencement of this Act or arising hereafter in any such office shall be filled in accordance with the provisions of the amended Act.

Power to remove difficulties.

9. The State Government may, for the purpose of removing any difficulty arising in relation to the transition from the provisions of the principal Act to the provisions of that Act as amended by this Act, by order as occasion requires, do anything which appears to it to be necessary for the purpose of removing the difficulty:

Provided that no such order shall be made after the expiration of one year from the commencement of this Act.

ZAKIR HUSAIN,
President.

V. N. BHATIA,
Secy. to the Govt. of India.

Reasons for the enactment

The Committee on Panchayati Raj Elections appointed by Government of India (popularly known as the Santhanam Committee) recommended that Assembly electoral rolls relatable to the areas of the Gaon Sabhas should be adopted for purposes of elections to Gaon Panchayats and such elections should be held by secret ballot. It is proposed to amend the U. P. Panchayat Raj Act, 1947 accordingly.

2. The Committee constituted under the proviso to sub-section (2) of section 3 of the Uttar Pradesh State Legislature (Delegation of Powers) Act, 1968 (7 of 1968) has been consulted before the enactment of this measure as a President's Act.

I. D. N. SAHI,

Addl. Secy, to the Govt. of India,
Ministry of Food, Agriculture,
Community Development and Co-operation
(Department of Community Development).

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